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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The denial of the right to free thought for those with no religion

International legal protections for freedom of thought and expression

The right to freedom of thought, conscience, religion or belief for every human being is protected by Article 18 of the Universal Declaration of Human Rights (UDHR). That right is also protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR). Articles 17 and 18.2 of the ICCPR ensure that no individual should be compelled to reveal her thoughts or adherence to a religion or belief[1].

The right to freedom of thought is the precursor and progenitor of other fundamental freedoms, such as freedom of religion or speech. It is a complete and unlimited right, and a right that should be protected unconditionally[2]. When thought is criminalised, no other freedom can long survive.

As the Human Rights Committee pointed out in its general comment No. 22 (1993), and the Special Rapporteur on freedom of religion or belief more recently,[3] freedom of religion or belief applies to a broad variety of beliefs, not just those of predefined "classical" religions[4].

Freedom of expression, which includes the right to criticise religion, is protected by Article 19 of the Universal Declaration of Human Rights. The Rabat Plan of Action recognises that blasphemy laws are often discriminatory in that they afford different levels of protection to different religions. It recommends that all blasphemy laws should be repealed since "such laws have a stifling impact on the enjoyment of freedom of religion or belief, and healthy dialogue and debate about religion"[5].

Despite the right to freedom of thought being enshrined in the ICCPR, the overwhelming majority of countries fail to respect the rights of non-believers to think freely or express their beliefs. Around the world, there are laws denying atheists the right to life, executing them for leaving a religion, criminalizing their criticism of religion, prohibiting them from holding public office, preventing them from working for the state, obstructing their access to public education, or revoking their right to citizenship and right to marry.

Whilst this written statement concentrates on the denial of freedom of thought to non-believers only, it nonetheless relates to billions of people[6]. Despite this, non-believers are often forgotten as a group that systematically suffers discrimination and persecution; a group all-too-often dismissed as falling outside of our moral framework.

Forms of persecution and discrimination of non-believers

Perhaps one of the most fundamental and direct forms of persecuting non-believers is through denying citizens the right to leave a state-recognised religion. For example, every citizen of the Maldives is required to be a Muslim and the penalty for leaving Islam is death. It is not just the Maldives; currently, 19 countries punish apostasy and in 12 of those the penalty can be death. These are: Afghanistan, Iran, Malaysia, Maldives, Mauritania, Nigeria, Qatar, Saudi Arabia, Somalia, Sudan, United Arab Emirates, and Yemen.

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[1] http://www.unhchr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15
[2] http://www.unhchr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15?Opendocument
[3] A/HRC/25/58, Report of the Special Rapporteur on freedom of religion or belief.
[4] General comment No. 22, §2.
[5] Ibid., §25.
[6] A detailed survey in 2012 revealed that those who identify as "atheist" make up 13% of the population, and an additional 23% identify as "not religious". See: http://www.wingia.com/web/files/news/14/file/14.pdf

More common than penalising atheists simply being an atheist is the criminalisation of expressing atheist beliefs. There are 55 countries with blasphemy laws, or other laws forbidding criticism or "insult" to religion. Some countries treat blasphemy as evidence of apostasy. In 39 of those countries with blasphemy laws, the law mandates a prison sentence for blasphemers, and in three – Pakistan, Saudi Arabia, and Iran – people can be executed for being blasphemers. In another three states militant Islamists acting as religious authorities are dealing out Sharia punishment including death for "offences" against religion: namely Al-Shabaab in Somalia, Boko Haram and other Islamists in Nigeria, and the Taliban in Afghanistan.

There are many other forms of discrimination that severely affect those who reject religion. These include banning atheists from holding public office (such as in the Maldives) or governments requiring citizens to identify their religion, for example on state ID cards or passports (as is the case in Indonesia, Jordan and Viet Nam). It is illegal or unrecognized to identify as an atheist or as non-religious in Afghanistan, Eritrea, Indonesia, Jordan, Maldives, Saudi Arabia and Somalia. In some states such as Mauritania, Indonesia, and the United Arab Emirates, citizenship is tied to having a particular religious identity. In Mauritania, people who leave Islam lose their citizenship.

Religious privilege to the exclusion of others

Discrimination against the non-religious is often caused by the desire to help one or more religion. Religious privilege is one of the most common forms of discrimination against atheists. Freedom of religion or belief requires equal and just treatment of all people irrespective of their beliefs. When states start defining citizens not by their humanity but narrowly by their membership of a religious group, prioritising conformity to preconceived beliefs, then discrimination and sectarianism automatically follow. For example, in Lebanon the entire system of government is based on sectarian quotas, with different rights and roles available to different religious groups. This practice not only codifies and encourages religious discrimination but it also discourages people from leaving the religion of their birth, because they will lose all the state privileges that come with belonging to that religion.

Religious privilege is also seen in many countries' public services and public education. The most common and substantial of these privileges is religious control of state-funded schools, which works to exclude the non-religious. In Northern Ireland in the United Kingdom 94% of state funded schools are religious in character. School curricula can be exclusionary too: in Saudi Arabia there is a ban on teaching secular philosophy; in Yemen, public schools provide instruction in Islam and not in any other religion. This not only excludes the non-religious, but maintains a public ignorance about the beliefs and ethics of the non-religious.

Family Law is another arena where discrimination is common and where often there is religious control, with those of no religion accorded unequal rights. For example, many Muslim countries give control of family law to the Sharia courts operating Islamic rather than civil law. In Syria, for issues of family law the government requires citizens to be affiliated nominally with Christianity, Judaism, or Islam. In Israel, the government does not allow civil marriages; thus secular marriages must take place abroad in order to be recognised.

Conclusion and recommendations

In summary, due to the criminalisation of apostasy and blasphemy, one can be put to death for expressing atheism in 13 countries. There is pervasive persecution and discrimination of people with no religion across the world, with the worst countries being those who fail to uphold human rights generally.

Freedom of thought and belief must not be compromised. When regimes violently attack people for their ideas and beliefs, all human rights suffer. Freedom of belief requires equal and just treatment of all people irrespective of their beliefs. When states start to define citizens not by their humanity but by their membership of a religious group, discrimination automatically follows.

In his excellent report[7], the Special Rapporteur on freedom of religion or belief highlighted the importance of implementing the Rabat Plan of Action. Correspondingly, we hope the Council will promote this important Plan of Action at every opportunity.

The language used in UN reports and resolutions is extremely important, both in its descriptive and prescriptive capacity. In his last report, the Special Rapporteur on freedom of religion or belief talked repeatedly of "religious hatred"[8]. As detailed in this brief statement, hatred against non-religious people is present globally also. We would therefore urge the Council to recognise this fact by incorporating language that explicitly acknowledges the persecution of non-believers in any discussion or resolutions regarding religious hatred.

Likewise, we also ask that when drafting and passing resolutions on the right to freedom of religion or belief the Council ensures that the non-religious are one of the groups explicitly mentioned as having freedom to believe, and that, in light of the evidence, when any mention of the persecution of religious minorities is made, the resolution mentions the persecution of non-religious people also.

We urge UN human rights experts not to forget non-believers when investigating human rights abuses and discrimination against minorities. All too often, those with no religion get forgotten because they cannot be so easily identified as a group with common characteristics. Yet they all share their humanity and their entitlement to believe freely, they just do not happen to subscribe to an organised religion - this is no reason at all to forget them.

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[7] A/HRC/25/58, Report of the Special Rapporteur on freedom of religion or belief.
[8] Ibid.